

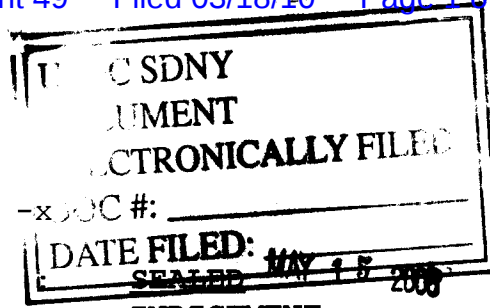
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

SOTERO GOMEZ,
a/k/a "Junior,"

Defendant.



S3 08 Cr.

429

COUNT ONE

The Grand Jury charges:

1. From at least in or about 2001 up to and including in or about August 15, 2005, in the Southern District of New York and elsewhere, SOTERO GOMEZ, a/k/a "Junior," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of this conspiracy that SOTERO GOMEZ, a/k/a "Junior," the defendant, and others known and unknown, would and did distribute and possess with the intent to distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Sections 812, 841(a)(1), and 841(b)(1)(A) of Title 21 of the United States Code.

Overt Acts

3. In furtherance of the conspiracy and to effect the

illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. In or about 2002, in the vicinity of 2740 Wickham Avenue, Bronx, New York, SOTERO GOMEZ, a/k/a "Junior," the defendant, managed the production of thousands of packages of heroin, possessed guns to protect heroin and narcotics proceeds, and possessed kilogram quantities of heroin.

b. From in or about 2002 up to and including in or about the summer of 2003, in the vicinity of Olinville and Adee Avenues, Bronx, New York, SOTERO GOMEZ, a/k/a "Junior," the defendant, managed the production of thousands of packages of heroin, possessed guns to protect heroin and narcotics proceeds, and possessed kilogram quantities of heroin.

c. In or about the fall of 2003, in the vicinity of 2204 Light Street, Bronx, New York, SOTERO GOMEZ, a/k/a "Junior," the defendant, managed the production of thousands of packages of heroin, possessed guns to protect heroin and narcotics proceeds, and possessed kilogram quantities of heroin.

d. In or about late 2004 or early 2005, in the vicinity of 4343 Wilder Avenue, Bronx, New York, SOTERO GOMEZ, a/k/a "Junior," the defendant, managed the production of packages of heroin and possessed kilogram quantities of heroin.

e. From in or about February 2005 up to and including in or about June 2005, in 3166 Fenton Avenue, Bronx,

New York, SOTERO GOMEZ, a/k/a "Junior," the defendant, managed the production of thousands of packages of heroin, possessed guns to protect heroin and narcotics proceeds, and possessed kilogram quantities of heroin.

f. In or about 2005, SOTERO GOMEZ, a/k/a "Junior," the defendant, delivered tens of thousands of dollars in narcotics proceeds to a location in the vicinity of 181st Street, New York, New York, for transfer to the Dominican Republic.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. At various times between in or about summer 2003 and in or about 2005, in the Southern District of New York, SOTERO GOMEZ, a/k/a "Junior," the defendant, unlawfully, willfully, and knowingly, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, to wit, the narcotics conspiracy charged in Count One of this Indictment, did use and carry a firearm, and did aid and abet the use and carrying of a firearm, and did possess a firearm, and aid and abet the possession of a firearm, in furtherance of such crime.

(Title 18, United States Code,
Sections 924(c)(1)(A)(i) and 2.)

FORFEITURE ALLEGATION

5. As a result of committing the controlled substance offense alleged in Count One of this Indictment, SOTERO GOMEZ, a/k/a "Junior," the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds this defendant obtained directly or indirectly as a result of the narcotics violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the narcotics violations alleged in Count One of the Indictment, including but not limited to the following:

a. Money Judgment

A sum of money equal to approximately \$322,610 in United States currency, representing a part of the proceeds obtained as a result of the offenses, distribution of controlled substances, and the conspiracy to distribute controlled substances.

b. Conveyance

One 1997 Range Rover, New Jersey License Plate Number RFX82U, and Vehicle Identification Number SALPV1448VA372392, which was seized at 3166 Fenton Avenue, Bronx, New York.

Substitute Asset Provision

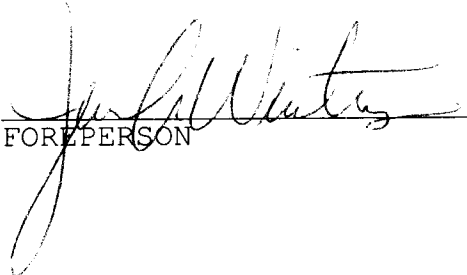
6. If any of the property described above as being

subject to forfeiture, as a result of any act or omission of the defendant:

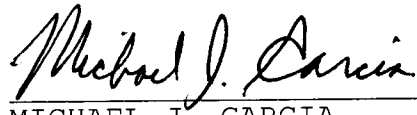
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code,
Sections 841(a)(1), 846, and 853.)



FOR PERSON



MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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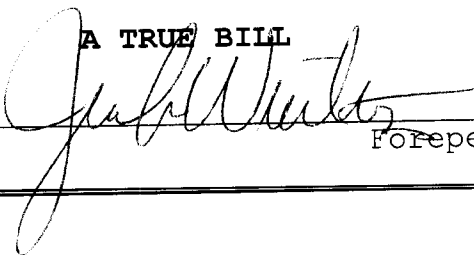
SEALED INDICTMENT

S3 08 Cr.

(Title 21, United States Code,
Section 846; Title 18, United States
Code, Sections 924(c) and 2.)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.
